

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

LEONARD M. HICKMAN,

Plaintiff,

v.

HEIDI E. WASHINGTON, et al.,

Defendants.

Case No. 2:23-cv-2

HON. JANE M. BECKERING

**ORDER**

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendants Kelly Suvanto and Derek Falk (named as Unknown John Doe Derrick) filed Motions for summary judgment due to Plaintiff's failure to exhaust administrative remedies (ECF Nos. 19 & 24). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 29) on November 8, 2024, recommending that this Court grant the motions and dismiss this case. The Report and Recommendation was duly served on the applicable parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 29) is APPROVED and ADOPTED as to the recommendation to grant the motions for summary judgment.<sup>1</sup>

**IT IS FURTHER ORDERED** that the Motions for summary judgment due to Plaintiff's failure to exhaust administrative remedies (ECF Nos. 19 & 24) are GRANTED. Plaintiff's

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<sup>1</sup> The Court declines to accept the recommendation to dismiss this case, as Plaintiff's Eighth Amendment claim against Defendant Unknown Party #1 remains.

remaining claims against Defendants Suvanto and Derrick are DISMISSED WITHOUT PREJUDICE based on Plaintiff's failure to exhaust his administrative remedies prior to filing suit. Defendants Suvanto and Derrick are terminated.

Dated: December 10, 2024

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge